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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,255	02/11/2004	Masahiro Takimoto	26CT-012-CON	9889
23400	7590	07/07/2005	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			TO, TOAN C	
		ART UNIT	PAPER NUMBER	3616

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/775,255	TAKIMOTO ET AL.
	Examiner Toan C. To	Art Unit 3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1:136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 June 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 19-39 is/are pending in the application.
- 4a) Of the above claim(s) 22,26-31 and 35 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 19-21,23-25,32-34 and 36-39 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/11/04; 4/14/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Election/Restrictions***

1. Applicant's election without traverse of Species 6 (figures 38-41 and 45), claims 19-21, 23-25, 32-34, and 36-39 in the replies filed on March 17, 2005, and June 6, 2005 are acknowledged.
2. Claims 22, 26-31, and 35 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 17, 2005.

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the files.

### ***Claim Objections***

3. Claims 21 and 34 are objected to because of the following informalities: "hook-like" should be --hook--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
5. Claims 19-21, 23-25, 32-34, and 36-39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s)

contains subject matter which was inadequately described in the specification, in this case, figures 38-41 and 45 and the description of these figures in the specification does not disclose "fasteners" as claimed in claims 1 and 32. It appears that the specification disclose the airbag cover 322 includes retaining holes 327a for retaining hook 317 of the case 315, and the retaining holes 327 appear to permit the airbag cover to move slightly with respect to the case. Therefore, for purpose of examining the application on merit, the examiner assumes applicant intends to claims "retaining holes" instead of "fasteners".

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 19-21, 23-25, 32-34, and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taquchi et al (U.S. 5,887,891) in view of Saslecov (U.S. 6,092,836)

Taquchi et al discloses an airbag device for a vehicle, wherein the vehicle has a front end, a rear end, a passenger compartment and a panel located at the front of the passenger compartment, and wherein the airbag device comprises: a folded airbag (60); a case (20) that houses the airbag (60), wherein the case has an opening (20d) through which the airbag may protrude when inflated; an airbag cover (10), wherein the airbag cover includes: a door (10a), wherein the door covers the opening of the case;

and a general portion (10f), which is located around the door; retaining holes (10c) for attaching the airbag cover (10) to the case (20), wherein the retaining holes (10c) are constructed to permit the airbag cover to move slightly with respect to the case; and fixing members (10d) that fix the airbag cover to the panel (dashboard); wherein the fixing members (10d) are located near an outer edge of the general portion (10f); wherein each of the fixing members (10d) is a hook, and each hook fixing member is fitted in a mounting hole (verge portion of opening 100) formed in the panel, such that each hook fixing member (10d) engages the panel; wherein each of the fixing members is located outside of the retaining holes (10c), with respect to the case and near an outer edge of the general portion (10f).

Taquchi et al does not directly disclose the airbag for protecting the knee of occupant, and the panel is a knee-panel, which located approximately at the knee level of a passenger seated in the passenger compartment.

Saslecov shows the old and well known teaching of a knee protecting airbag assembly including an airbag (9'), and the cover (21, 22) is located below a knee-panel (16).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Taquchi et al with the teaching of Saslecov to install the airbag device in a lower panel in order to protect the knees of the occupant.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C. To whose telephone number is (571) 272-6677. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTo  
June 20, 2005

  
PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600